IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO. 192 OF 2004

IN

APPEAL FROM ORDER NO. 108 OF 2003

Mrs. Anjali Arvind Malankar & Anr. ..Petitioners

Versus

Shivanand Gajanan Dewalekar ..Respondent

Mr. V.D.Surve for the petitioners.

Mr. Khode for Mr. S.A.Sawant for Respondent.

CORAM: A.M.KHANWILKAR,J.

DATE : 8th February,2007.

P.C.

1. None for the petitioners. Heard Counsel for the Respondent.

2. The grievance in this Petition is one of wilful disobedience of the order dated 6th February, 2003 by the Respondent. In the first place, there was some clerical error in the order dated 6th February, 2003

which was rectified on 13th July, 2006. In that sense, ad-interim order in terms of prayer clause (c) of the Civil Application No.166 of 2003 came into operation with effect from 13th July, 2006. Be that as it may, the grievance in Contempt Petition is that the Respondent created charge in respect of the suit property inspite of the ad-interim order. The Respondent has entered appearance and filed a detailed reply. The Respondent has placed on record that charge has been created in earlier point of time on 27th June, 2000 and 19th April, 2000 respectively. Thus understood, it is not a case of disobedience of the order of this Court much less wilful disobedience.

Hence, the Contempt Petition is dismissed. Notice issued to the Respondent stands discharged.

(A.M.KHANWILKAR,J.)